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THOMASON, MOSER & PATTERSON, LLP  
Attorneys at Law  
SUITE 100  
595 SHREWSBURY AVENUE  
SHREWSBURY, NJ 07702

EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No. 09/812,223	Applicant(s) LINCOLN ET AL.	
Examiner Alina N. Boutah	Art Unit 2143	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-36.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER

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## DETAILED ACTION

### *Response to Applicant's Request for Reconsideration*

This action is in response to Applicant's request for reconsideration filed July 6, 2005.

Claims 1-36 are pending in the present Application.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,175,856 issued to Riddle in view of USPN 6,421,726 issued to Kenner et al. (hereby referred to as Kenner).

Regarding claim 1, Riddle teaches a method for efficiently delivering copies of a customer's electronic file across a client-server computer network, comprising:

compressing the file using a compression codec as a further component of the service (col. 7, lines 6-12);

receiving, by a selected one of the servers, a network request for the file from a requesting client, the request specifying a list of recognized file encoding schemes including the

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compression codec (figure 6; col. 7, line 61 to col. 8, line 2; col. 8, lines 38-41, 58-61; col. 9, lines 1-4 and 40-55); and

responding to the network request by transmitting the compressed file over the network from the selected server to the requesting client (col. 7, lines 6-12).

However, Riddle fails to explicitly teach hosting copies of the customer's file at a plurality of servers as a component of a service. Kenner teaches hosting copies of the customer's file at a plurality of servers as a component of a service (figure 1; col. 5, line 63 to col. 6, line 12). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to host copies of the customer's file at a plurality of servers as a component of a service in order to distribute the files in the network, therefore providing improved performance and reducing network congestion (col. 6, lines 12-14).

Regarding claim 2, Riddle teaches the method of claim 1, wherein compressing the file is performed dynamically in response to the network request as a further component of the service (title, claim 13).

Regarding claim 3, Riddle teaches the method of claim 1, wherein compressing the file is performed in advance of the network request as a further component of the service (col. 1, line 58 to col. 2, line 3).

Regarding claim 4, Riddle teaches the method of claim 1, wherein compressing the file is performed by compressing one or more copies of the file at one or more of the servers as a

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further component of the service (col. 7, lines 6-12).

Regarding claim 5, Kenner teaches the method of claim 1, wherein compressing the file is performed by first compressing the file, and subsequently distributing copies of the compressed file to the plurality of servers as a further component of the service (figure 1; col. 5, line 63 to col. 6, line 12).

Regarding claim 6, Riddle teaches the method of claim 1, wherein compressing the file is performed at least partly depending upon the file type of the file as a further component of the service (col. 9, lines 50-67).

Regarding claim 7, Riddle teaches the method of claim 1, wherein the compression codec is substantially lossless (col. 2, lines 46-49).

Regarding claim 8, Riddle teaches the method of claim 7, wherein compressing further includes removing file data that does not substantively affect display of the compressed file by a standard browser of the client as a further component of the service (claim 5).

Regarding claim 9, although Riddle and Kenner fail to explicitly teach the method of claim 8, wherein removing file data includes removing data selected from the group comprising source code comments and extra blank characters, it is well known in programming art that source code comments and blank characters are removed from a file in order to avoid

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redundancy, therefore the file is compressed.

Regarding claim 10, although Riddle and Kenner fail to explicitly teach the method of claim 7, wherein the compression codec is embodied in a GZIP compression utility, it is well known in the art that compression codecs are embodied in many conventional compression utility, GZIP being one example of such utility.

Regarding claim 11, Kenner teaches the method of claim 1, further comprising selecting the selected one of the servers to handle the request at least partly based upon one or more criteria indicating a relative quality of connectivity between the selected server and the requesting client, as a further component of the service (col. 17, lines 31-37).

Regarding claim 12, Kenner teaches the method of claim 11, wherein the connectivity criteria are selected from the group comprising geographical distance, topological distance, bandwidth, latency, jitter, financial cost, and political boundaries (col. 3, lines 18-28).

Regarding claim 13, Kenner teaches the method of claim 1, wherein the network is the Internet and the network request is an HTTP protocol request (col. 3, lines 46-47).

Regarding claim 14, Riddle teaches a method for transmitting compressed data from a hosting server to a requesting client across a computer network, comprising:

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receiving a network request from the client for a file, the request specifying a list of acceptable encoding schemes (figure 6; col. 7, line 61 to col. 8, line 2);

dynamically compressing the file using a substantially lossless compression codec, in response to the network request, the compression codec being one of the acceptable encoding schemes (col. 7, lines 6-12); and

transmitting the compressed file from the hosting server to the client via the network in fulfillment of the request (col. 7, lines 6-12).

Regarding claim 15, Riddle teaches the method of claim 14 further comprising dynamically generating the requested file in response to the network request (title, claim 13).

Regarding claim 16, Riddle teaches the method of claim 14 wherein dynamically compressing is performed at least partly depending upon a file type of the requested file (col. 9, lines 50-67).

Regarding claim 17, Riddle teaches the method of claim 14 wherein receiving the network request is performed by the hosting server (col. 7, lines 6-12).

Regarding claim 18, Kenner teaches the method of claim 14 wherein the hosting server is one of a plurality of content delivery servers, each of the servers hosting a copy of the file (figure 1).

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Regarding claim 19, Kenner teaches the method of claim 18, wherein the hosting server is selected to receive the network request at least partly based upon one or more criteria of connectivity between the hosting server and the requesting client (col. 17, lines 31-37).

Regarding claim 20, Kenner teaches the method of claim 19, wherein the connectivity criteria are selected from a group comprising geographical distance, topological distance, bandwidth, latency, jitter, financial cost, and political boundaries (col. 3, lines 18-28).

Regarding claim 21, Riddle teaches the method of claim 14, wherein dynamically compressing further includes removing file data that does not substantively affect display of the compressed file by a standard browser of the client (claim 5).

Regarding claim 22, although Riddle and Kenner fails to explicitly teach the method of claim 21, wherein removing file data includes removing data selected from the group comprising source code comments and extra blank characters, it is well known in programming art that source code comments and blank characters are removed from a file in order to avoid redundancy, therefore the file is compressed.

Regarding claim 23, although Riddle and Kenner fail to teach the method of claim 14, wherein the substantially lossless compression codec is embodied in a GZIP compression utility, it is well known in the art that compression codecs are embodied in many conventional



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compression utility, GZIP being one example of such utility.

Regarding claim 24, Kenner teaches the method of claim 14, wherein the network is the Internet and the network request is an HTTP protocol request (col. 3, lines 46-47).

Regarding claim 25, although Riddle and Kenner do not explicitly teach the method of claim 14, wherein the requesting client includes a light wireless client, it is well known in the art of networking computer that a requesting client can be wired or wireless. Regardless of whether the client is wired or wireless, the method still performs the same way to teach substantially the same result.

Regarding claim 26, Riddle teaches a system for transmitting compressed data to a requesting client across a computer network, the system comprising:

a proxy server, operable to receive the network request from the client the network request requesting a file and specifying a list of acceptable encoding schemes and, in response to said request, to generate a modified request for a version of the file that is compressed in accordance with a substantially lossless compression codec, the compression codec being one of the acceptable encoding schemes (figure 6; col. 7, line 61 to col. 8, line 2);

a hosting server, being configured to transmit, in response to the modified request, the compressed version of the file to the client via the network in fulfillment of the request (col. 7, lines 6-12).

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Regarding claim 27, Riddle teaches the system of claim 26 wherein the modified request specifies a modified file name with an extension that identifies the compression codec (col. 9, lines 50-67).

Regarding claim 28, Riddle teaches the system of claim 26 wherein the proxy server is further operable to generate one or more additional modified requests, each of said requests corresponding to a different one of the acceptable encoding schemes for the file (col. 9, lines 50-67).

Regarding claim 29, Riddle teaches the system of claim 26 wherein the proxy server is operable to forward the modified request to the hosting server (figure 6; col. 7, line 61 to col. 8, line 2).

Regarding claim 30, Riddle teaches the system of claim 26 wherein the compressed version of the file is created dynamically in response to the network request (title, claim 13).

Regarding claim 31, Riddle teaches the system of claim 26 wherein the compressed version of the file is created in advance of the network request (col. 1, line 58 to col. 2, line 3).

Regarding claim 32, Kenner teaches the system of claim 26 wherein the hosting server is one of a plurality of content delivery servers, each of the servers hosting a copy of the file (figure

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1).

Regarding claim 33, Kenner teaches the system of claim 32, wherein the hosting server is selected to transmit the compressed file at least partly based upon one or more criteria of connectivity between the hosting server and the requesting client (col. 17, lines 31-37).

Regarding claim 34, Kenner teaches the system of claim 33, wherein the connectivity criteria are selected from a group comprising geographical distance, topological distance, bandwidth, latency, jitter, financial cost, and political boundaries (col. 3, lines 18-28).

Regarding claim 35, although Riddle and Kenner fail to teach the system of claim 26, wherein the compression codec is embodied in the GZIP compression utility, it is well known in the art that compression codecs are embodied in many conventional compression utility, GZIP being one example of such utility.

Regarding claim 36, Kenner teaches the system of claim 26, wherein the network is the Internet and the network request is an HTTP protocol request (col. 3, lines 46-47).

### ***Response to Arguments***

Applicant's arguments filed July 6, 2005 have been fully considered but they are not persuasive.

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In response to Applicant's argument that Riddle and Kenner, singly and in combination, fail to disclose or suggest "the method of delivering data from a server to a client based on a client-initiated communication that includes both a data request and a list of codecs available to the client for decompressing the requested data," the Patent Office respectfully submits that Riddle teaches this feature as cited above. Figure 6; col. 7, line 61 to col. 8, line 2; col. 8, lines 38-41, 58-61; col. 9, lines 1-4 and 40-55 of Riddle teaches an initial exchange of information between the sender and recipient, the information pertaining to the selection of the best codec (codec negotiation). The codec negotiation includes the exchange of list of available decompressors as part of a larger exchange of capabilities (col. 9, lines 40-55). In order for the negotiation to occur, a request must be sent from the client to the server, or vice versa.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the receiver may provide a list for available codecs, unsolicited) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ANB*

ANB

A handwritten signature in black ink, appearing to read 'W. C. Vaughn, Jr.', with a large, stylized circular flourish at the end.

**WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER**